



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

July 1, 1991

Mr. Oscar S. Rodriguez
City Manager
The City of Eagle Pass
P.O. Box 4019
Eagle Pass, Texas 78853-4019

OR91-314

Dear Mr. Rodriguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12740.

The City of Eagle Pass received an open records request for "routine, daily access to the Eagle Pass Police Department's new complaint cards which document each and every call for service received by the Police Department or initiated by the officer in the field." This office agrees with your contention that the city is not required to honor a standing request for information that does not exist at the time the open records request is received. See Attorney General Opinion JM-48 (1983).

We note, however, that most of the information contained on the complaint cards consists of the same types of information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) and Open Records Decision No. 127 (1976). The fact that the same information may be found in other documents routinely released to the public does not relieve the city from complying with a valid open records request for complaint cards that exist at the time the request is received. Cf. Attorney General Opinion JM-266 (1984). We also note that the requestor seeking access to the complaint cards alleges that not all police dispatches have corresponding offense reports to which she would have access under *Houston Chronicle* and Open Records Decision No. 127; this further reinforces the importance of making the cards available for public inspection.

This office agrees that the city may withhold pursuant to section 3(a)(8) in-

formation contained on the complaint cards that would reveal the response time to calls received by the police department: the release of this information would allow criminals to determine how the police department prioritizes its calls or what areas of the city have longer response times, and thereby "unduly interfere with law-enforcement efforts." *See Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

We add a final note about costs for providing the requested records. In this instance, the city is authorized to assess only those charges authorized by section 9(a) of the Open Records Act. *See also* 1 T.A.C. § 111.62. Any question as to the propriety of the amount the city assesses the requestor for access to the complaint cards should be addressed to the Material Management Section of the State Purchasing and General Services Commission at 512-463-3468.¹

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-314.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/RWP/lb

Ref.: ID# 12740
ID# 12805
ID# 12829

Enclosures: Attorney General Opinion JM-114

¹The requestor has suggested that the city has deviated from acceptable standards of record keeping followed by other cities that allow news media *free* access to public information. This office is not, however, authorized to dictate the form in which the city keeps its records. Nor does this office have the fact-finding capability to determine whether the city's actions in this regard constitute a violation of the Open Records Act.

Mr. Oscar Rodriguez - Page 3 (OR91-314)

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cc: Ema Perez-Trevino
E.P. NEWS GUIDE
Eagle Pass, Texas 78852